

REMARKS

This is in response to the Final Office Action mailed December 17, 2008, a first response to which was filed on February 17, 2009. In the Final Office Action, Claims 3-5 and 10 were rejected and Claims 6-9, 11-12, and 17-32 were withdrawn from consideration. Applicants' Amendment filed on February 17, 2009, was not entered by the Examiner.

In this Amendment, Claims 6-9, 17-29, and 31-32 are canceled, and Claims 3-5 and 10 are amended. With entry of this amendment, claims 3-5, 10-12 and 30 will be pending for consideration. Applicants request entry of these after final amendments on the grounds that the amendments are responsive to the suggestions made by the Examiner in order to overcome the outstanding rejections. Support for the amendments to the claims is found throughout specification. No new matter has been added.

The foregoing amendments are not a disclaimer of the previously claimed subject matter and are not an acquiescence in the correctness of the outstanding rejections.

Election/Restrictions

Withdrawn claims

Applicants have canceled withdrawn Claims 6-9, 17-29 and 31-32. Applicants have amended the claims to conform with the elected compounds stated by the Examiner on page 3 of the Office Action. Applicants reserve the right to pursue the non-elected subject matter in one or more divisionals.

Applicants respectfully request rejoinder and allowance of Claims 11-12 and Claim 30.

Written Description/Enablement Rejections

The Examiner has rejected claims 3-5 as lacking adequate written description and being non-enabled with respect to the recitation of "solvates." Without acquiescing in the Examiner's grounds for rejecting the term "solvates," applicants have obviated this rejection by deleting this term.

Indefiniteness Rejections

The Examiner has rejected claims 3-5 and 10 as indefinite. The Examiner has rejected the use of the term "solvates" and the use of the plural in the terms "salts" and "solvates." The rejection of "solvates" is rendered moot by the deletion of this term from the rejected claims.

The rejection of the plural form of "salts" has been obviated by using the singular for this term. Applicants note that the use of the singular does not disclaim more than one compound or composition. To the contrary, the term "a salt" means "any salt" and this meaning is consistent with the conventional meaning of the singular in U.S. claims.

Furthermore, the Examiner has rejected claim 10 as indefinite on the grounds that the claim fails to recite an inert carrier. Applicants have obviated this rejection by inserting the term "inert carrier" into claim 10.

U.S. Patent Application No.: 10/532,574
Inventor: Hans-Peter BUCHSTALLER *et al.*

Attorney Docket No.: 030863.00002
ARENT FOX LLP

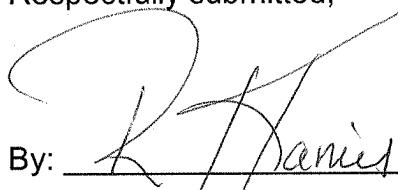
CONCLUSION

Applicants believe that this application is now in condition for allowance.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number 030863-00002.

Respectfully submitted,

By: 

Ronald J. Kamis, Reg. No. 41,104
Attorney for Applicants

Customer No. 04372
ARENT FOX LLP
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

RJK:knc